

Appl. No. 10/697,140  
Docket No.:H1799-00226  
Reply to Office Action of December 8, 2005

#### REMARKS/ARGUMENTS

As a result of this Amendment, claims 9-15 are under active consideration in the subject patent application.

In the Official Action, the Examiner has:

- (1) rejected claims 11 and 12 under 35 U.S.C. § 112 for allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter;
- (2) rejected claims 9-15 under 35 U.S.C. § 102(b) as allegedly being anticipated by Japanese Patent No. JP 02154992, issued to Fujio (the "Fujio Reference"); and
- (3) identified prior art made of record and not relied upon but considered pertinent to Applicants' disclosure.

With regard to Item 1, Applicants have amended claim 11 so as to remove reference to "stamping." Applicants respectfully submit that claim 11, as amended is definite. Claim 12 has been amended so as to change its dependency from claim 9 to amended claim 11. Claim 11 provides the requisite antecedent basis alleged as missing by the Examiner. Claim 12, as amended, is definite. Reconsideration and withdrawal of the rejection of claims 11 and 12 are requested.

With regard to Item 2, Applicants have amended independent claim 9 so as to better distinguish its subject matter from that of the Fujio reference.

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Reconsideration and allowance of claims 9-15, as amended, are requested for the following reasons.

Applicants provide a method for making a heat pipe assembly that includes the steps of providing a heat pipe with an envelope that has two elongated flat sides and two curved portions connecting the flat sides. The elongated flat sides of the envelope have a length that is substantially greater than the radius of curvature of the curved portions. A fin is formed from a plate by punching a hole through the plate that is sized and shaped so as to accommodate the envelope. The hole is defined by two elongated flat sides of the plate and two curved portions connecting the flat sides. The elongated flat sides are formed so as to have a length that is substantially greater than a radius of curvature of the curved portions. The plate is furthered formed so as to have two collar portions adjacent to the hole, where the collar portions extend approximately in a direction normal to the plate. In this way, the two collar portions are separated from one another by a pair of slots each being centrally defined in a respective one of the two curved portions of the plate. The fin, as so formed, is then placed on the envelope.

Anticipation under 35 U.S.C. §102 requires that each and every element of the invention defined in the claim be met in a single prior art reference. Those elements must either be inherent or disclosed expressly, and must be arranged as described in the claim. See, Diversitech Corporation v. Century Steps, Inc., 850 F. 2d 675, 7 U.S.P.Q.2d 1315 (Fed. Circuit 1988), Constant v. Advanced

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Micro-Devices, Inc., 848 F. 2d 1560, 7 U.S.P.Q.2d 1057 (Fed. Circuit 1988), and Richardson v. Suzuki Motor Company, 868 F. 2d 1226, 9 U.S.P.Q.2d 913 (Fed. Circuit 1989). Nowhere within the four corners of the Fujio reference is there disclosure or even a vague suggestion of such a method of forming a heat pipe assembly including the step of forming a fin from a plate by punching a hole through the plate that is sized and shaped so as to accommodate the envelope, where the hole is defined by two elongated flat sides of the plate and two curved portions connecting the flat sides, the elongated flat sides being formed so as to have a length that is substantially greater than a radius of curvature of the curved portions, and where the plate is formed so as to have two collar portions adjacent to the hole, so as to extend approximately in a direction normal to the plate. Fujio simply lacks any teachings of such a structure.

Accordingly, the present invention as defined by amended claims 9-15 is not anticipated by the disclosure of Fujio. Reconsideration and withdrawal of the rejection of claims 9-15 under 35 U.S.C. § 102(b) are requested.

With regard to Item 3, Applicants have considered the prior art references identified by the Examiner as pertinent and determined that none of them, taken alone, or in any valid combination with the Fujio reference anticipates or renders obvious the present invention.

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

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If a telephone conference would be of assistance in advancing  
prosecution of the above-identified application, Applicants' undersigned Attorney  
invites the Examiner to telephone him at **215-979-1255**.

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DM2 654415

Respectfully submitted,



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